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**AUG 08 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Baar et al. :  
Application No. 10/088,408 :  
Filed: March 19, 2002 :  
Attorney Docket No. US 19005 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(a), filed May 16, 2005, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed September 22, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 23, 2004.

Petitioner contends and has established the final Office action was never received.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Petitioner states a copy of a reply is not attached since petitioner has never received a copy of the final Office action. A courtesy copy of the action is attached. The examiner will mail a new copy of the action setting a new time period to respond.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will be credited back to petitioner's deposit account.

Technology Center Art Unit 1713 will be notified the holding of abandonment has been withdrawn and the examiner will mail a new copy of the final Office action setting a new time period for response.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley  
Petitions Attorney  
Office of Petitions

Attached: Copy of 9/22/04 Office action